REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	14 April 1999
Name of applicant/court:	The District Court at Waitakere
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	AA-09600.jpg
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Stated
Language:	Not Applicable

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Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *AA-09600.jpg* has been classified as: Objectionable.

The computer image file exploits the nudity of children and young persons to a high extent and degree. The image depicts a young naked girl standing directly before the camera in an outdoor setting. Just under half of the image is a zigzag pattern in various tones of green, some of which have shading. The zigzag pattern is below the girl's thighs, obscuring her legs. She is approximately 11 or 12 years of age. The dominant effect of the publication is the manner in which the girl's nudity is displayed to highlight her sexual characteristics. The format of the publication, as a computer image file, is a significant consideration. Computer technology allows easy reproduction and distribution of such files via national and international telecommunications networks. There is no apparent family or other legitimate context for this image. Given these elements, the Classification Office is of the opinion that the image has little purpose other than the sexual gratification of adults with a sexual interest in children.

Consideration has been given to the relevant provisions of the New Zealand Bill of Rights Act 1990 (NZBR Act) as they relate to this publication. The Classification Office considers that the availability of the computer image file is likely to be injurious to the public good due to the extent and degree to which and the manner in which the image exploits the nudity of a child. The limit on the freedom of expression resulting from this classification is considered to be reasonable and demonstrably justified, given the objective of preventing harm to the public. A less restrictive classification, such as making the publication available only to adults, would not mitigate the exploitation of children or young persons' nudity for the apparent purpose of gratifying adult viewers who are titillated or stimulated by such images.

OFLC Ref: 9900154